

MEMORANDUM

Department of Budget and Finance

To: Robert Middaugh, Town Administrator

From: Chris Wallace, Director of Budget and Finance

Date: July 30, 1999

Subject: Resolution for Fire Rescue Services, Preliminary Hearing

This resolution is necessary to proceed with the fire rescue assessment for Fiscal Year 2000. This resolution will allow Government Services Group, Inc. (as approved at the Council meeting of June 16, 1999) to establish the estimated assessment rate, prepare the assessment roll, and mail notices. A public hearing will be held on September 1st.

The rates for FY2000 have not changed from those levied in FY1999. Because this assessment process does not cleanly coincide with the property tax roll preparation, initial estimates of revenue will undoubtedly change when the FY2000 budget is finally adopted.

If you have any questions or need additional information about this resolution, please give me a call.

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1999; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the provisions of the Fire Rescue Assessment Ordinance (Ordinance No. 96-33), sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS. This Resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance which initiates the annual process for updating the Assessment Roll and directs the reimposition of Fire Rescue Assessments for the Fiscal Year beginning October 1, 1999. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance and the Initial Assessment Resolution. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa.

SECTION 3. PROVISION AND FUNDING OF FIRE RESCUE SERVICES.

(A) Upon the imposition of Fire Rescue Assessments for fire rescue services, facilities, or programs against Assessed Property located within the Town, the Town shall provide fire rescue services to such Assessed Property. A portion of the cost to provide such fire rescue services, facilities, or programs shall be funded from proceeds of the Fire Rescue Assessments. The remaining cost required to provide fire rescue services, facilities, and programs shall be funded by available Town revenues other than Fire Rescue Assessment proceeds.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the Town will be benefited by the Town's provision of fire rescue services, facilities, and programs in an amount not less than the Fire Rescue Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution.

SECTION 4. IMPOSITION AND COMPUTATION OF FIRE RESCUE ASSESSMENTS. Fire Rescue Assessments shall be imposed against all Tax Parcels within the Property Use Categories. Fire Rescue Assessments shall be computed in the manner set forth in this Preliminary Rate Resolution.

SECTION 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. The legislative determinations of special benefit and fair apportionment embodied in the Ordinance, the Initial Assessment Resolution (Resolution No. R-96-254), and the Final Assessment Resolution (Resolution R-96-285), as supplemented and modified by Resolution No. R-97-19 and Resolution No. R-97-270, are affirmed and incorporated herein by reference.

SECTION 6. COST APPORTIONMENT AND PARCEL APPORTIONMENT METHODOLOGIES.

(A) The Cost Apportionment as explained and calculated in the Initial Assessment Resolution and Final Assessment Resolution and in the applicable explanatory appendices incorporated therein is affirmed and incorporated herein by reference.

(B) The Parcel Apportionment as explained and calculated in the Initial Assessment Resolution and Final Assessment Resolution as revised and amended by Resolution No. R-97-270 and in the applicable explanatory appendices embodied and incorporated therein is affirmed and incorporated herein by reference.

SECTION 7. DETERMINATION OF FIRE RESCUE ASSESSED COSTS; ESTABLISHMENT OF ANNUAL FIRE RESCUE ASSESSMENT RATES.

(A) The Fire Rescue Assessed Costs to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year commencing October 1, 1999, is the amount determined in the Estimated Fire Rescue Assessment Rate Schedule, attached hereto as Appendix A. The approval of the Estimated Fire Rescue Assessment Rate Schedule by the adoption of this Preliminary Rate Resolution determines the amount of the Fire Rescue Assessed Costs. The remainder of such Fiscal Year budget for fire rescue services, facilities, and programs shall be funded from available Town revenue other than Fire Rescue Assessment proceeds.

(B) The estimated Fire Rescue Assessments specified in the Estimated Fire Rescue Assessment Rate Schedule are hereby established to fund the specified Fire Rescue Assessed Costs determined to be assessed in the Fiscal Year commencing October 1, 1999.

(C) The estimated Fire Rescue Assessments established in this Preliminary Rate Resolution shall be the estimated assessment rates applied by the Town Manager (hereinafter referred to as Town Administrator) in the preparation of the updated Assessment Roll for the Fiscal Year commencing October 1, 1999 as provided in Section 8 of this Preliminary Rate Resolution.

SECTION 8. ANNUAL ASSESSMENT ROLL.

(A) The Town Administrator is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year commencing October 1, 1999, in the manner provided in the Ordinance. The updated Assessment Roll shall include all Tax Parcels within the Property Use Categories. The Town Administrator shall apportion the estimated Fire Rescue Assessed Cost to be recovered through Fire Rescue Assessments in the manner set forth in this Preliminary Rate Resolution. The updated Assessment Roll shall include any unpaid or delinquent fees or charges due the Town pursuant to the Ordinance. A copy of this Preliminary Rate Resolution, the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, Resolution No. R-97-19, Resolution No. R-97-270, documentation related to the estimated amount of the Fire Rescue Assessed Cost to be recovered through the imposition of Fire Rescue Assessments, and the updated Assessment Roll shall be maintained on file in the office of the Town Clerk and open to public inspection. The foregoing shall not be

construed to require that the updated Assessment Roll proposed for the Fiscal Year beginning October 1, 1999 be in printed form if the amount of the Fire Rescue Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(B) It is hereby ascertained, determined, and declared that the method of determining the Fire Rescue Assessments for fire rescue services as set forth in the Initial Assessment Resolution as supplemented and modified by Resolution No. R-97-270, the Final Assessment Resolution as supplemented and modified by Resolution No. R-97-19, and this Preliminary Rate Resolution is a fair and reasonable method of apportioning the Fire Rescue Assessed Cost among parcels of Assessed Property located within the Town.

SECTION 9. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 7:00 p.m. on September 1, 1999, in the Town Council Chambers of Town Hall, 6591 Orange Drive, Davie, Florida, at which time the Town Council will receive and consider any comments on the Fire Rescue Assessments from the public and affected property owners and consider reimposing Fire Rescue Assessments for the Fiscal Year beginning October 1, 1999 and collecting such assessments on the same bill as ad valorem taxes.

SECTION 10. NOTICE BY PUBLICATION. The Town Administrator shall publish a notice of the public hearing authorized by Section 9 of this Preliminary Rate Resolution in the manner and time provided in Sections 2.04 and 2.08 of the Ordinance. The notice shall be published no later than August 10, 1999, in substantially the form attached hereto as Appendix B.

SECTION 11. NOTICE BY MAIL. The Town Administrator shall also provide notice by first class mail to the Owner of each parcel of Assessed Property in the event circumstances described in Section 2.08(F) of the Ordinance so require. Such notice shall be in substantially the form attached hereto as Appendix C. Such notices shall be mailed no later than August 10, 1999.

SECTION 12. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the Town from the Fire Rescue Assessments will be utilized for the provision of fire rescue services, facilities, and programs. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire rescue services, facilities, and programs.

SECTION 13. EFFECTIVE DATE. This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 4TH DAY OF AUGUST, 1999.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS 4TH DAY OF AUGUST, 1999

APPENDIX A

ESTIMATED FIRE RESCUE ASSESSMENT RATE SCHEDULE

SECTION A-1. DETERMINATION OF FIRE RESCUE ASSESSED COSTS. The estimated Fire Rescue Assessed Costs to be assessed for the Fiscal Year commencing October 1, 1999, is \$1,341,000. Additional fire rescue proceeds may be received and the Fire Rescue Assessed Costs to be assessed may be adjusted as a result of reclassification of Assessed Property or inclusion of parcels not included on the Assessment Roll for a prior Fiscal Year.

SECTION A-2. ESTIMATED FIRE RESCUE ASSESSMENTS.

(A) The estimated Fire Rescue Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Rescue Assessed Cost for the Fiscal Year commencing October 1, 1999, are hereby established as follows for the purpose of this Preliminary Rate Resolution:

Billing Unit Type	Building Area (in sq.ft.)	Residential Rates/Unit	Commercial Rates	Industrial/Warehouse Rates	Institutional Rates	Nursing Home Rates	Educational Rates
Dwelling Unit	N/A	\$37.94					
Building	<1,999		\$68.41	\$3.80	\$104.56	\$104.56	\$37.07
	2,000-3,499		\$136.81	\$7.61	\$209.11	\$209.11	\$74.14
	3,500-4,999		\$239.42	\$13.31	\$365.95	\$365.95	\$129.75
	5,000-9,999		\$342.04	\$19.01	\$522.78	\$522.78	\$185.35
	10,000-19,999		\$684.07	\$38.03	\$1,045.56	\$1,045.56	\$370.70
	20,000-29,999		\$1,368.14	\$76.05	\$2,091.12	\$2,091.12	\$741.40
	30,000-39,999		\$2,052.21	\$114.08	\$3,136.67	\$3,136.67	\$1,112.10
	40,000-49,999		\$2,736.28	\$152.11	\$4,182.23	\$4,182.23	\$1,482.80
	>50,000		\$3,420.35	\$190.13	\$5,227.79	\$5,227.79	\$1,853.50

(B) No Fire Rescue Assessment shall be imposed upon a parcel of Institutional Property whose use is wholly exempt from ad valorem taxation under Florida law. Any shortfall in the expected Fire Rescue Assessment proceeds due to any reduction or exemption from payment of the Fire Rescue Assessments required by law or authorized by the Town shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Rescue Assessments. It is the legislative determination of the Town Council that in the event a court of competent jurisdiction determines any exemption or reduction by the Town Council is improper or otherwise adversely affects the validity of the Fire Rescue Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Fire Rescue Assessment upon each affected Tax Parcel in the amount of the Fire Rescue Assessment that would have been otherwise imposed save and except for such reduction or exemption afforded to such Tax Parcel by the Town Council.

APPENDIX B
FORM OF NOTICE TO BE PUBLISHED

To Be Published by August 10, 1999

[INSERT MAP OF TOWN]

**NOTICE OF HEARING TO REIMPOSE AND PROVIDE
FOR COLLECTION OF FIRE RESCUE SPECIAL ASSESSMENTS**

Notice is hereby given that the Town Council of the Town of Davie will conduct a public hearing to consider reimposing fire rescue special assessments for the provision of fire rescue services within the Town of Davie for the Fiscal Year beginning October 1, 1999.

The hearing will be held at 7:00 p.m. on September 1, 1999, in the Town Council Chambers of Town Hall, 6591 Orange Drive, Davie, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of this notice. If a person decides to appeal any decision made by the Town Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Director of Administrative Services at (954) 797-1020 at least seven business days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The following table reflects the proposed fire rescue assessment schedule.

Billing Unit Type	Building Area (in sq.ft.)	Residential Rates/Unit	Commercial Rates	Industrial/Warehouse Rates	Institutional Rates	Nursing Home Rates	Educational Rates
Dwelling Unit	N/A	\$37.94					
Building	<1,999		\$68.41	\$3.80	\$104.56	\$104.56	\$37.07
	2,000-3,499		\$136.81	\$7.61	\$209.11	\$209.11	\$74.14
	3,500-4,999		\$239.42	\$13.31	\$365.95	\$365.95	\$129.75
	5,000-9,999		\$342.04	\$19.01	\$522.78	\$522.78	\$185.35
	10,000-19,999		\$684.07	\$38.03	\$1,045.56	\$1,045.56	\$370.70
	20,000-29,999		\$1,368.14	\$76.05	\$2,091.12	\$2,091.12	\$741.40
	30,000-39,999		\$2,052.21	\$114.08	\$3,136.67	\$3,136.67	\$1,112.10
	40,000-49,999		\$2,736.28	\$152.11	\$4,182.23	\$4,182.23	\$1,482.80
	>50,000		\$3,420.35	\$190.13	\$5,227.79	\$5,227.79	\$1,853.50

Copies of Fire Rescue Assessment Ordinance (Ordinance No. 96-33), the Initial Assessment Resolution (Resolution No. R-96-254) as amended by Resolution No. R-97-270, the Final Assessment Resolution (Resolution No. R-96-285) as amended by Resolution No. R-97-19, documentation related to the estimated amount of the Fire Rescue Assessed Cost to be recovered through the imposition of Fire Rescue Assessments, the Preliminary Rate Resolution initiating the annual process of updating the Assessment Roll and reimposing the Fire Rescue Assessments, and the preliminary Assessment Roll for the upcoming fiscal year are available for inspection at the Town Clerk's Office of Town Hall, located at 6591 Orange Drive, Davie, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 1999, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the Town Budget and Finance Department at (954) 797-1050, Monday through Friday between 8:30 a.m. and 5:00 p.m.

**TOWN COUNCIL OF
THE TOWN OF DAVIE, FLORIDA**

APPENDIX C
FORM OF NOTICE TO BE MAILED

*******NOTICE TO PROPERTY OWNER*******

Town of Davie
6591 Orange Drive
Davie, Florida 33314-3399

<p>TOWN OF DAVIE, FLORIDA</p> <p>NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF FIRE RESCUE NON-AD VALOREM ASSESSMENTS</p> <p>NOTICE DATE: AUGUST 10, 1999</p>

Owner Name
Address
City, State Zip

Tax Parcel #: _____

Legal Description: _____

Sequence #: _____

As required by section 197.3632, Florida Statutes, and the direction of the Town Council, notice is given by the Town of Davie that an annual assessment for fire rescue services using the tax bill collection method, may be levied on your property for the fiscal year October 1, 1999 - September 30, 2000. The use of an annual special assessment to fund fire rescue services benefiting improved property located within the Town of Davie in the past has proven to be fair, efficient and effective. The total annual fire rescue assessment revenue to be collected within the Town of Davie is estimated to be \$_____. The annual fire rescue assessment is based on the classification of each parcel of property and number of billing units contained therein.

The above parcel is classified as _____.

The total number of billing units on the above parcel is _____.

The annual fire rescue assessment for the above parcel is \$_____.

A public hearing will be held at 7:00 p.m. on September 1, 1999, in the Town Council Chambers of Town Hall, 6591 Orange Drive, Davie, Florida for the purpose of receiving public comment on the proposed assessments. All owners of improved property within the Town were mailed individual notices similar to this one when the Fire Rescue Assessment was first imposed. Subsequently, only property owners of reclassified property which resulted in an increased Fire Rescue Assessment, or owners of property not included on the prior year's assessment roll will receive updated mailed notice in addition to the annual published notice. You and all other affected property owners have a right to appear at the hearing and to file written objections with the Town Council

within 20 days of this notice. If you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Director of Administrative Services at (954) 797-1020 at least seven business days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Town Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the Fire Rescue Assessment Ordinance (Ordinance No. 96-33), the Initial Assessment Resolution (Resolution No. R-96-254) as amended by Resolution No. R-97-270, the Final Assessment Resolution (Resolution No. R-96-285) as amended by Resolution No. R-97-19, documentation related to the estimated amount of the Fire Rescue Assessed Cost to be recovered through the imposition of Fire Rescue Assessments, the Preliminary Rate Resolution initiating the annual process of updating the Assessment Roll and reimposing the Fire Rescue Assessments, and the preliminary Assessment Roll for the upcoming Fiscal Year are available for inspection at the Town Clerk's Office of Town Hall, located at 6591 Orange Drive, Davie, Florida.

Both the fire rescue non-ad valorem assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your fire rescue assessment, please contact the Town Budget and Finance Department at (954) 797-1050, Monday through Friday between 8:30 a.m. and 5:00 p.m. If you have a correction, please fill out the enclosed correction request card and return it to the Town immediately.

*******THIS IS NOT A BILL*******